

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Community Development and
Panchayats

Directorate of Panchayats

Notification

1/DP/DR-EP/95

The following draft of certain Rules which are proposed to be made under the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), is hereby pre-published as required by sub-section (1) of section 240 of the said Act, 1994 for information of the persons likely to be affected thereby and notice is hereby given that the said draft Rules will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft Rules may be forwarded to the Development Commission, Government of Goa, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this notification in the Official Gazette.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 27th September, 1995.

THE GOA PANCHAYAT (ELECTION PROCEDURE) RULES, 1995

In exercise of the powers conferred by section 15 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act,

1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. *Short title and commencement*:— (1) These rules may be called the Goa Panchayat (Election Procedure) Rules, 1995.

(2) They shall come into force at once.

2. *Definitions*:— In these rules, unless the context otherwise requires:—

(a) "Act" means the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994).

(b) "Election" means an election to fill a seat or seats in a Panchayat;

(c) "Returning Officer" means an Officer duly appointed by the State Election Commission.

(d) "Section" means a section of the Act;

(e) "Commissioner" means the State Election Commissioner appointed under section 237;

(f) "Voter" means a person entitled under section 14 of the Act to vote at an election;

(g) Words and expressions used but not defined in these rules, shall have the meaning as respectively assigned to them in the Act.

CHAPTER II

1 - Election

3. *Formation of wards*:— (1) For dividing a Panchayat area into wards the population or the number of voters of each ward

shall, as far as may be practicable, be equal and be in the same proportion as the number of members fixed under section 7 of the Act bears to the total population or the number of voters of the Panchayat.

(2) In dividing a Panchayat area into wards under section 7, the Director shall ensure that the geographical contiguity of all the area in a ward is maintained.

(3) Each ward shall be assigned a separate serial number.

4. *Publication of wards*:— The wards formed under rule 3 shall be notified by affixing a statement thereof in Form No. 9 to the Notice Board of the Director's Office, Mamlatdar's Office, and the Panchayat Office or in any conspicuous place at the Head Quarters of the Panchayats, where no Panchayat Office is established. The Statement shall also be published in the Official Gazette.

2 - Preparation, Maintenance and Custody of voters List.

5. *Preparation of election roll*:— The electoral roll of the Goa Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950 (Central Act 43 of 1951), and for the time being in force on such date as the Commissioner may by general or special order notify in this behalf (being a date not earlier than one month from such notification), for such Constituency of the Assembly or any part thereof as is included in the area within the jurisdiction of a Panchayat, shall be divided by the Director into different sections corresponding to the different wards of a Panchayat. The wardwise list so obtained shall collectively form the electoral roll of the concerned Panchayat until State Election Commissioner notifies a different list under this rule.

6. *Custody of the electoral rolls*:— A printed copy of such section of the roll as divided under rule 5 shall be signed by the Returning Officer and sealed with the common seal of the Returning Officer and the copy so authenticated shall be kept by him in his personal custody.

7. *Availability of voters list*:— The Returning Officer shall at least five days before the date fixed for the nomination of the candidates for every General Election of the Village Panchayat, give a public notice in Form No. 10 of the places where copies of the relevant list of voters are kept open for public inspection. Such notice shall be affixed at the Village Panchayat Office, and if there be no village Panchayat office at any other conspicuous public place in the village.

3 — Qualification for reserved seat

8. *Qualification of candidate for reserved seat*:— Where any seat in a ward of Panchayat is reserved for Scheduled Caste, Scheduled Tribe or women, only such member of Scheduled Caste or Scheduled Tribe or a woman shall be qualified to be chosen to fill such seat.

4 - Election of Panchayat

9. *Appointment of election staff*:— (1) The Returning Officer shall appoint a Presiding Officer for each place fixed for recording of votes (hereinafter referred to as polling station). He may also

appoint one or more Polling Officers to assist the Returning Officer and Presiding Officer in election work. Such officers may be appointed either by name or designation. The first Polling Officer shall perform the duties of the Presiding Officer in the absence of the Presiding Officer.

(2) If any polling officer is absent from the polling station, the Presiding Officer may appoint any person to act in place of such absentee and inform the Returning Officer accordingly.

(3) No person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election shall be appointed as a Presiding or Polling Officer.

(4) The Presiding and the Polling Officer shall perform such duties and exercise such powers as are imposed and conferred on them by these rules or as may be entrusted to them by the Returning Officer.

10. *Power of the Governments to appointed dates etc. for holding elections*:— (1) The Government in consultation with Commission shall, after it is decided to hold an election, in the village or village concerned by notification, appoint the date(s) for holding election thereof.

(2) The Commissioner shall take such necessary steps for fixing the hours for following stages of an election, namely:—

- (i) The nomination of candidates;
- (ii) The scrutiny of nomination;
- (iii) The withdrawal of nomination;
- (iv) Voting;
- (v) The counting of votes;

Provided that:—

(i) between the date fixed for the nomination of candidate and the date fixed for the recording of votes there is at least an interval of 10 days and

(ii) the date(s) for the scrutiny of nominations shall be the date(s) immediately following the date (s) fixed for the nomination of candidates.

(2) On the issue of notification under sub-rule (1), the Commissioner shall give public written notice in Form No. 1 of the intended election not less than fifteen days before the date fixed for the nomination of candidates inviting nominations of candidates for such election and specifying the place where nomination papers are to be delivered. The notice shall also specify the names of official designations of persons declared under rule 9 as Returning Officer. Copies of notice shall be published by affixing at the Village Panchayat Office, Office of the Mamlatdar, Office of the Block Development Officer and if necessary at any other place in the Panchayat area appointed by the Commissioner.

(3) The date(s) and hours appointed under sub-rule (1) (2) (3) shall not changed except with the previous sanction of the Commissioner.

Provided that if the Government is of opinion that it is necessary in the public interest to change the date(s) so fixed and if there is

no sufficient time for obtaining the previous sanction of the State Election Commissioner to such change, the Government may for reason to be recorded in writing change such date(s). In every such case, the Government shall forthwith forward a copy of its order and the reason so recorded to the State Election Commissioner.

(4) The Government shall also publish in the said notice in Form No. I, the date(s) and hours of poll as may be notified by it under section 15 of the Act.

11. *Presentation of nomination paper:*— (1) On the date appointed for the nomination of candidates and during the hours appointed by the Commission under rule 10 in this behalf, each candidate shall make an application in writing in Form No. 3 signed by him and present it either in person or through a representative authorised in writing in this behalf by such candidate to the Returning Officer signifying his willingness to serve as a member of the Panchayat.

(2) On receiving a nomination paper under sub-rule (1), the Returning Officer shall write on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and exact time at which the application was delivered to him.

(3) Any nomination paper not delivered as provided in sub-rule (1) shall be rejected.

(4) Not more than two nomination papers shall be presented by any candidate or accepted by Returning Officer for election in the same ward.

(5) When an election is held at or about the same time for two or more wards in a village, one and the same person may stand for election in all or any number of such wards.

12. *Procedure upon delivery of nomination paper:*— Upon delivery of a nomination paper under rule 11, the Returning Officer shall inform the person delivering the same of the day, hour and place appointed for the scrutiny thereof and shall endorse thereon

(i) the serial number of the ward from which the candidate proposes to seek election;

(ii) the serial number of the nomination paper for such ward;

(iii) the name of the person delivering the nomination;

(iv) the date on which and the hour at which the nomination paper was delivered to him.

13. *Deposit on Nomination:*— (1) On or before the date appointed for the nomination of candidates each candidate shall deposit or cause to be deposited with the Returning Officer a sum of Rs. 100/- (Rupees one hundred only) in cash with the first nomination paper for each ward:

Provided that in a ward in which a seat is reserved for women or for a SC/ST, the sum to be deposited by or on behalf of such a candidate shall be rupees 50/- (Rupees fifty only):

Provided further no candidate shall be deemed to be duly nominated unless the deposit referred to in this sub-rule has been made.

(2) Where a candidate by whom or on whose behalf such deposit has been made, withdraws his candidature in the manner and within the time specified in rule 17 or where the nomination paper of such candidate is rejected, the deposit shall be returned to the candidate or any other person who made the deposit as the case may be, and, if any candidate dies before the commencement of the poll, such deposit shall be returned (a) if made by him, to his legal representative or (b) if not made by the candidate, to the person by whom it was made.

(3) If a candidate by whom or on whose behalf such deposit has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Government of Goa.

(4) For the purpose of sub-rule (3), the total number of votes polled shall be deemed to be the total number of counted voting papers, other than spoilt voting papers.

(5) A deposit made under sub-rule (1), if it is not returned under sub-rule (2), or is forfeited under sub-rule (3), shall be returned to the candidate or any other person who made the deposit, as the case may be, as soon after the publication of the result of the election under rule 54 as may be practicable.

14. *Scrutiny of Nomination Paper:*— (1) At the time and place appointed for the scrutiny of nominations, intending candidates and any other person duly authorised in writing by each such intending candidate, shall alone be entitled to be present. The Returning Officer shall allow such persons reasonable facilities for examining the nomination paper of intending candidates.

(2) The Returning Officer shall scrutinise the nomination papers and decide all objections which may be made before him to any nomination and may, either on such objection or on his own motion, after such summary enquiry, if any, as he may consider necessary, reject a nomination paper on any of the following grounds namely:—

(i) that the candidate is disqualified or is not qualified under the Act or these rules for election; or

(ii) that the candidate has failed to comply with any of the provisions required by these rules or the Act;

(iii) that he is not identical with the person whose number or name on the voters list as stated in the nomination paper to be the number or name of the candidate, or

(iv) that his signature is not genuine or has been obtained by fraud, coercion or undue influence.

(3) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(4) For the purpose of sub-rule (2), the production of a certified copy of an entry made in the list of voters shall be conclusive evidence of the right of any voter named in that entry to stand for election unless it is proved that the candidate is disqualified.

15. *Completion of scrutiny:*— (1) The scrutiny shall be completed on the day(s) appointed by the State Election Commissioner in this behalf.

(2) The Returning Officer shall, on the same day, endorse on each nomination paper his decision accepting or rejecting the same, and, if the nomination paper is rejected, shall record a brief statement of his reason for such rejection.

16. *Preparation and displaying of list of validly nominated candidates.*— (1) Immediately after the scrutiny is completed under rule 15, the Returning Officer shall, for each ward cause to be prepared a list in Form No. 4 showing the names of the candidates whose nomination papers have been accepted.

(2) The names should be arranged alphabetically in Roman as well as Devnagri script commencing with the proper name followed by father's/mother's/husband's name and surname. The list so prepared shall be displayed on the notice board in the Office of the Returning Officer and the Office of the Village Panchayat.

17. *Withdrawal of candidature.*— (1) Any candidate may withdraw his candidature by a notice in writing in Form No. 12 subscribed by him and delivered to the Returning Officer between the hours of ten o'clock in the forenoon and two o'clock in the afternoon on the day immediately following the day of completion of the scrutiny. Such notice may be delivered either by the candidate in person or by a person authorised in writing by him in this behalf. Any notice of withdrawal which is given after the expiry of the period specified in this rule shall not have any effect.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) The Returning Officer, on receiving notice of withdrawal under sub-rule (1) shall, as soon as may be thereafter, cause a notice of withdrawal in Form No. 13 to be fixed at the office of the Returning Officer.

18. *Uncontested election and failure to elect.*— (1) In any ward in which no seat is reserved for Scheduled Caste/Scheduled Tribe or for Women—

(i) where the number of candidates duly nominated is equal to the number of seats to be filled in a ward, the Returning Officer shall declare the candidates so nominated to be duly elected without any votes being taken;

(ii) where there is no candidate duly nominated in respect of the seat in a ward, it shall be deemed to be that the election has not resulted in the return of the required number of qualified person(s) willing to take office within the meaning of Section 7.

(iii) If the number of candidates duly nominated exceed the number of seat(s) to be filled in a ward, votes shall be taken for filling the vacancies in the manner provided by these rules.

(2) In any ward in which a seat is reserved for Scheduled Caste/Scheduled Tribe or women, the Returning Officer shall ascertain the number of candidates qualified to fill such reserved seat and thereafter proceed as follows:—

(i) where there is one candidate qualified to be chosen to fill the reserved seat, the candidates so qualified shall be declared by the Returning Officer to be elected to fill the reserved seat;

(ii) where there is no candidate qualified to be chosen to fill any of the reserved seat it shall be deemed that the election has not resulted in the return of the required number of qualified persons willing to take office within the meaning of Section 7.

19. *Assignment of Symbol.*— (1) In the case of every contested election, the Returning Officer shall assign to each candidate one symbol in the following order after arranging their names as required under rule 20. (1) Bird (2) Boat (3) Camel (4) Elephant (5) Horse (6) Railway Engine (7) Scales (8) Spade (9) Cock (10) Fish (11) Ladder (12) Motor Car (13) Peacock (14) Pot (15) Umbrella.

(2) If the list of symbol in sub-rule (1) is exhausted, the Returning Officer may on his discretion, allot to the candidate or candidates concerned any symbol other than those specified in the list but no symbol reserved for a political party by Election Commission of India, may be allotted.

20. *Preparation and displaying of list of contesting candidates.*— (1) Immediately after the expiry of the time fixed under sub-rule (1) of Rule 17, the Returning Officer shall for each Panchayat and also for each ward cause to be prepared, a list of contesting candidates in Form No. 5 arranging the names in the alphabetical order in Roman and Devnagri script as appearing in Form No. 4 alongwith the symbol assigned to them in the manner prescribed under rule 19 and display the list on the notice Board in the office of the Panchayat and in the office of the Returning Officer.

(2) Exhibition of list of contesting candidates at the Polling Station:—

On the day of poll, a copy of list of contesting candidates shall be pasted outside the polling stations for the guidance of voters before the polling commences.

21. *Form of voting paper.*— The voting paper shall be in Form No. 6 appended to these rules and printed in Roman and Devnagri script. It shall contain the names of all contesting candidates in alphabetical order as arranged in Form No. 5, together with the distinguishing symbol assigned to each candidate by the Returning Officer under rule 19.

22. *Polling Station.*— (1) If a poll is to be held, the Returning Officer with the prior approval of the Commissioner shall locate a polling station or stations in Office of the Panchayat and or other public buildings such as a school and Government offices within the concerned Panchayat limits.

(2) A list specifying the place(s) of polling stations(s) as also the serial numbers of voters attached to it shall be prepared Panchayat-wise and displayed by the Returning Officer on the notice board in the office of the Mamlatdar, Block Development Officer and at the Office of the Panchayat at least 7 days before the day of poll.

(3) Two copies of such list shall be supplied free of cost to each of the contesting candidates.

23. *Death of candidate before the poll.*— If a candidate whose nomination has been found valid on scrutiny under rules 14 and 15 and who has not withdrawn his candidature under rule 17, dies and a report of his death is received before the publication of the list of contesting candidates under rule 20, or if a contesting candidate dies and a report of his death is received before the commencement

of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Commissioner and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll.

Provided further that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 17 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

24. *Supply of election material.*—(1) Each polling station shall be provided with Ballot papers serially numbered equal to the number of voters assigned to the polling station rounded up to next ten, copies of voters list, ballot boxes sufficient for the purpose of enabling electors to cast their votes and such other materials for the purposes of the polling as may be necessary.

(2) In supplying the material mentioned in sub-rule (1) regard shall be had to the number of electors entitled to vote at the polling station and the number of polling booths established therein.

25. *Ballot Boxes.*—(1) Every ballot box used at a polling station shall bear the name of the Panchayat and the numbers of the ward(s) of the Panchayat.

(2) Every ballot box shall be so constructed that Ballot papers may be introduced therein but cannot be withdrawn therefrom without the box being unlocked and without breaking the seal.

26. *Sealing of ballot box before the commencement of poll.*—(1) The Poll shall commence at the hour appointed for such commencement.

Immediately before the commencement of the poll, the Presiding Officer shall show the ballot box to the candidate or their agents as may be present at the polling station; thereafter lock the same, place a seal thereupon in such manner as to prevent it being opened or unlocked without breaking the seal and place it within his view.

27. *Admission to Polling Booths.*—(1) On the day of Election, every Presiding Officer, shall admit to the ante-room of the polling booth at which he presides:

(a) The candidates and such polling agents as may be selected by the candidates to assist in the identification of voters; and

(b) Persons authorised by the State Election Commissioner;

(c) Polling Officers and other public servants on duty:

Provided that there shall be present at any time in lieu of candidates not more than one polling agent of each candidate in every polling station.

(2) Besides the candidates and their polling agents, only voters and such persons if any, as may be admissible under special directions given by the Presiding Officer in this behalf shall be admitted in the Polling booth:

Provided further that each candidate shall be allowed to appoint in Form No. 14 one polling agent and two relief agents at each polling station.

28. *Candidates and Agents not to communicate with voters.*—(1) The candidates and their agents shall not speak to or address any voter in any part of the polling station, but may address to the Presiding Officer objection to a voter on any one of the following three grounds, namely:—

(i) That the voter's name does not appear in the voters list as entitled to vote in the ward in respect of which the election is being held;

(ii) That his claim to be a certain voter, whose name is entered in the voters list is false;

(iii) That he has already voted at the election.

(2) Any person contravening the provisions of sub-rule (1) may be expelled from the polling station by the Presiding Officer, and a person so expelled shall not be re-admitted during the elections.

29. *Voters to attend polling stations.*— Every voter desirous of recording his vote shall attend for the purpose at the polling station for the ward for which he is entered in the voter's list on such date and between such hours as have been appointed by the Government and Commissioner in this behalf under rule 10.

30. *Voting to be personal and by Ballot and in Polling station or booth previously directed.*—(1) At every polling station vote shall be casted by ballot and in person and the Presiding Officer shall not allow any votes to be cast by proxy.

(2) No elector shall be admitted to cast his vote elsewhere than in the polling station and the polling booth attached thereto.

(3) Every voter shall be entitled to give only one vote.

31. *Arrangements for secrecy of voting.*—(1) Each polling station shall contain a separate compartment in which electors shall cast their votes screened from observation.

(2) While an elector is in such compartment, no other person shall, subject to the provisions contained in rule 27. Enter it but Presiding Officer may occasionally enter it along with the candidate if they so desire.

32. *Identity of Elector.*— Immediately before the ballot paper is delivered to an elector, the Presiding Officer shall satisfy himself as to the identity of the elector with reference to the entry relating to that elector in the voter list. He shall also hear and decide them and there any objections raised in this behalf. He may refuse to issue a ballot paper or papers to any person who declines to answer any reasonable question put to him for the purpose of ascertaining such identity or whose identity is not established to him satisfaction. But issue of ballot papers shall not be refused merely on the ground of any typographical error or omission in the relevant entries of the voters list if the identity of the elector is otherwise established.

33. *Issue of Ballot Paper.*—(1) Every ballot paper before issue to the elector be marked with the seal of the Presiding Officer on

its back at the top of the left hand corner and before it is issued to an intending voter, his name and his number in the voters list shall be called out so that all present can hear them.

(2) In cases where no objection has been raised, after recording the serial number of the ballot paper against the entry relating to the voter in the copy of the voters list, the Polling Officer shall give the Ballot paper to the voter, and admit him to the polling room but not more than one voter shall be admitted to the polling room at a time.

Where objections are raised by candidates and/or their agents, the Presiding Officer shall dispose of such objection and when satisfied that the intending voter is entitled to vote and has not yet voted, shall direct the polling Officer to give the ballot paper to him after taking his signature or thumb impression and record the serial number of the ballot paper against his name in the voters list. The voter shall then be admitted to the polling booth.

(3) Save as provided in sub-rule (2) no person in the polling station shall note down the serial number of ballot paper issued to particular elector.

34. Manner of Casting Votes:— An elector shall, on receiving the Ballot paper issued to him under rule 33, forthwith proceed to polling compartment, there mark his Ballot paper by affixing a seal containing a cross (X) opposite the name and symbol (or on the name or symbol) of the candidate in whose favour he desires to cast his vote, fold up the Ballot paper and put the Ballot paper so folded up into the ballot box which shall be placed within the view of the Presiding Officer and without undue delay leave the polling station.

35. Assistance to Blind and Infirm Electors:— If an elector owing to blindness or other physical infirmity is unable to record his vote in the manner laid down in rule 34, the Presiding Officer shall do so according to the direction of the elector and fold it so as to conceal the vote and insert it into the Ballot box and make a brief note against the entry relating to such elector in the copy of voters list referred to in rule 33, the reason for such action.

36. Spoiled ballot papers.— An elector who has inadvertently dealt with his Ballot paper in such a manner that it cannot conveniently be used as such, may on delivering it to the Presiding Officer and satisfying him of the inadvertence, obtain another Ballot paper in place of the spoilt Ballot paper and such spoilt Ballot paper shall be marked by the Presiding Officer as cancelled and kept in a separate cover.

37. Return of Ballot paper.— If any elector, after obtaining a Ballot paper for the purpose of casting his vote, decides not to use the same or to cast his vote, he shall return the Ballot paper so issued to him, to the Presiding Officer and the Ballot paper so returned shall then be marked by the Presiding Officer as cancelled on account of such return and kept in a separate cover.

39. Challenged votes.— (1) Where any candidate, election agent or polling agent declares and undertakes to prove that any person by applying for a voting paper and claiming to be a particular voter has committed the offence of personation, the Presiding Officer shall require such person to enter in the list of challenged votes in Form No. 7 his name and address or, if he is

unable to write, to affix his thumb impression thereto, and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of rupees ten has been deposited in cash with the Presiding Officer by the candidate or such agent for each challenge he makes.

(2) Where the person so challenged refuses to comply with such requisition, he shall not be permitted to vote. But if such person does so comply, and on being questioned gives unqualified answer in the affirmative to a question put to him whether he is the person named in the list and in the negative to a question whether he has voted at the said election in the ward or in any ward, he shall be allowed to vote after he has been warned of the penalty for personation.

(3) Where the Presiding Officer after such enquiry on the spot as he thinks necessary is of the opinion that the challenge made by the candidate or his agent under sub-rule (1) is frivolous and has not been made in good faith, shall direct the deposit made under sub-rule (1) to be forfeited to the Government and his order in this respect shall be final.

(4) Where the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

39. Tender Voting papers:— (1) If a person representing himself to be particular elector applies for a Ballot Paper after another person has already voted as such elector, he shall, on satisfactorily answering such question relating to his identity as the Presiding Officer may ask, be entitled subject to the following provisions of this rule to make a Ballot Paper (hereinafter in these rules referred to as a tendered Ballot Paper), in the same manner as any other elector:

(2) Every such person shall, before being supplied with a tendered Ballot paper, sign his name against the entry relating to him in a list in Form No. 8.

(3) A tendered Ballot paper shall be the same as the other Ballot paper used at the polling booth except that it shall be:

(a) serially the last in the bundle of Ballot paper issued for use at the polling station.

(b) endorsed on the back with the words "tendered Ballot Paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered Ballot paper in the voting compartment, and folding it, shall instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

40. Closing the Poll:— (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under section 15 and shall not thereafter admit any elector into the polling station:

Providing that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

41. *Removal from Polling Station for misconduct:-* (1) If any person misconducts himself at a polling station, or fails to obey the lawful orders of the Presiding Officer, the Presiding Officer shall immediately remove or order any police officer present there to remove, from the polling station the person so misconducting himself, and such person shall not be allowed again to enter the polling station without the permission of the Presiding Officer.

(2) No removal from a polling station shall be ordered under sub-rule (1) so as to prevent an elector, entitled to cast his vote thereat, for having an opportunity of casting the vote.

42. *Duties of Presiding and other Polling Officers:-* (1) It shall be the duty of the Presiding Officers and their assistants to see, (i) that votes are recorded with absolute secrecy (ii) that only such persons as may be admitted to the Polling booth under these rules are admitted thereto, and (iii) that persons who have recorded their votes, or against whom objections have been heard and upheld, leave immediately, (iv) it shall also be their duty to see that these rules and any special directions given by the Returning Officer thereunder are strictly observed in all respects.

(2) The Presiding Officer shall keep the ballot box under his own observation for the purpose of preventing malpractices and securing the observance of the rules.

43. *Supervision of the conduct of Elections:-* The election shall be conducted under the general supervision of the State Election Commission.

44. *Voting by Officer on duty at polling Station:-* (1) A Presiding Officer or Polling Officer or a public servant who is on election duty at a Polling Station at which he is not entitled to vote at the election in connection with which he is employed shall send an application in Form No. 16 to the Returning Officer so as to reach him at least 4 days or such shorter period as the Returning Officer may allow before the date of poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a Postal Ballot paper to him.

(2) A Postal Ballot paper shall be the same as that of the ordinary Ballot paper in Form No. 6.

(3) (i) A postal Ballot paper shall be sent by post under certificate of posting of the voter together with-

(a) a declaration in Form No. 17

(b) a cover in Form No. 18

(c) a large cover addressed to the Returning Officer in Form No. 19

(d) instructions for the guidance of the elector in Form No. 20:

Provided that the Returning Officer may, in any case of a voter on election duty, deliver the Ballot paper and forms or cause them to be delivered, to such voter personally.

(ii) The Returning Officer shall at the same time record the serial number of each Ballot paper against the entry relating to that voter in the marked copy of the voters list.

(iii) The Returning Officer shall ensure that the voter is not allowed to vote at any polling station.

(4) Every Officer under whose care or through whom a postal Ballot paper is sent shall ensure its delivery to the addresses without delay.

(5) After Ballot papers have been issued to all voters entitled to vote by post, the Returning Officer, (1) At an election to the Village Panchayat, seal up in a packet that part of the marked copy of the voters list and record on the packet a brief description of its contents and the date on which it was sealed and send to the Presiding Officers for recording the serial numbers of Ballot papers issued to voters at the polling station.

(6) Any voter who has received a postal Ballot paper and desires to vote shall record his vote on the Ballot paper in accordance with the direction contained in Form No. 20 and then enclose it in cover in Form 18.

(7) The voter shall sign the declaration in Form No. 17 in the presence of, and have the signature attested by a Magistrate or such other Gazetted Officer or the Presiding Officer of the polling station at which he is on election duty as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified.

(8) (i) When a postal Ballot paper and other persons papers sent under sub-rule (3) are for any returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the voter personally on a request being made by him.

(ii) If any voter has inadvertently dealt with the Ballot paper or any of the other papers sent to him under sub-rule (3) in such manner that cannot conveniently be used, a second set of paper shall be issued to him after he has returned the spoilt papers and satisfied the Returning Officer of the inadvertence.

(iii) The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the Panchayat Election and the serial numbers of the cancelled Ballot papers.

(9) (i) After the voter has recorded his vote and made his declaration under sub-rule (7) shall return the Ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Form No. 20 so as to reach the Returning Officer before the close of the Poll of the Panchayat.

(ii) If any cover containing the postal Ballot papers is received by the Returning Officer after the expiry of the time fixed under sub-rule (9)(i), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(iii) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal Ballot papers received by him.

45. *Sealing of Ballot Boxes etc. after Poll.*— (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent or candidate present to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) The Presiding Officer shall then make up into separate packets:—

- (1) Unused voting papers.
- (2) Tendered voting papers.
- (3) Spoiled or returned cancelled voting papers.
- (4) Marked copy of the voters list.
- (5) Tendered voter's list.
- (6) Lists of Challenged votes.
- (7) Unused paper seals.

He shall seal with his own seal and the seal of any candidate or his agent who may desire to affix his seal, all the packets prepared under this rule.

(4) The ballot box and the packet shall be forwarded by the Presiding Officer to the Returning Officer or any other person appointed by the Returning Officer to take charge of them till the votes are counted. He shall also forward with them a Ballot paper account prepared in Form No. 9 appended to these rules and enclose it in a separate sealed cover with the words "Ballot Paper Account" subscribed thereon.

(5) He shall also forward a statement showing the number of paper seals entrusted to him and accounting them under the following heads:

- (i) Paper seals entrusted.
- (ii) Paper seals used
- (iii) Paper seals spoiled or damaged
- (iv) Paper seals unused.

46. *Adjournment of Poll in emergencies.*— (1) Where at an election the proceedings at any polling station for the poll are interrupted or obstructed by any riot or open violence, or where at any election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Returning Officer or the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be appointed later on and where the poll is so adjourned by the Presiding Officer, he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the State Election Commission, who shall as soon as may be practicable publish under rule 10, the day to be notified by the

Government under section 15 of the Act on which the poll shall recommence and the hours during which, the poll shall be taken. The Returning Officer shall not count the votes at such election until such adjourned poll shall have been completed.

(3) The provisions of these rules mutatis mutandis apply to the adjourned poll taken under this rule as they apply to the original poll.

47. *Time and place of counting of votes.*— The State Election Commission shall at least 5 days before the date fixed for the poll notify in the Official Gazette, the place or places where the counting of votes will be done and the date and time at which the counting will commence and copies of notice shall be published by affixing at the Village Panchayat Office, Office of the Mamlatdar and if necessary at any other place in the Panchayat area appointed by the Director:

Provided that if for any reason the State Election Commissioner finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them after notifying the same in the Official Gazette and copies of notice shall be affixed at the Village Panchayat Office, Office of Mamlatdar and wide publicity may be given in local dailies:

48. *Appointment of counting agents.*— (1) The number of counting agents that a candidate may appoint shall not exceed ten at the place fixed for counting under rule 47.

(2) Every such appointment shall be made in Form No. 15.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer not later than one hour before the time fixed for counting under rule 47, this appointment in Form No. 15 made under sub-rule (2).

49. *Admission to the place fixed for counting.*— (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except

(a) such person to be known as counting supervisors and counting assistants as he may appoint to assist him in the counting.

(b) persons authorised by the State Election Commission.

(c) public servants on duty in connection with the election; and

(d) candidates and their counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person authorised in this behalf by the Returning Officer.

50. *Maintenance of Secrecy of voting:*— The Returning Officer shall, before he commences the counting read out the provisions of Section 128 of the Representation of the People Act, 1951, to such persons as may be present.

51. *Counting of votes received by post:*— (1) The Returning Officer shall first deal with the postal Ballot paper in the manner hereinafter provided.

(2) No cover in Form No. 19 received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form No. 17 contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differ from the serial number endorsed on the cover in Form No. 18, that cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form No. 19 and all such covers in Form No. 19 shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the Panchayat, the number or the name of ward and the date of counting.

(6) The Returning Officer shall then place all the declarations in Form No. 17 which he has found to be in order in a separate packet which shall be sealed before any cover in Form No. 18 is opened on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form No. 18 not already dealt with under the foregoing provision of this rule shall then be opened one after another and the Returning Officer shall scrutinise each Ballot paper and decide the validity of the vote recorded thereon.

(8) A postal Ballot paper shall be rejected:—

- (a) if it bears any mark (other than the mark to record the vote) or writing by which the elector be identified; or
- (b) if no vote is recorded thereon; or
- (c) if votes are given on it in favour of more candidates than one; or
- (d) if it is spurious Ballot paper, or
- (e) if it is so damaged or mutilated that its identity as a genuine Ballot paper cannot be established; or
- (f) if it is not returned in the cover sent along with it to the elector by the Returning Officer.

(9) A vote recorded on a postal Ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given.

(10) A vote recorded on a postal Ballot paper shall not be rejected merely on the ground that mark indicating the vote is indistinct or made than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(11) The Returning Officer shall count all the valid votes given by postal Ballot in favour of each candidate, record the total thereof in the result sheet in Form No. 21 and announce the same.

(12) Thereafter, all the valid Ballot papers and all the rejected Ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their counting agents as may desire to affix their seals thereon and on packet so sealed shall be recorded the following particulars, namely:—

- (a) the name of the Panchayat;
- (b) the number of the name of ward; and
- (c) the date of counting.

52. *Counting of Votes:*— (1) The counting of votes shall be done by and under the supervision of the Returning Officer with the assistance of such persons as he may appoint to assist in the counting of votes.

(2) On the day and at the time and place appointed under rule 10 for the counting of votes, the Returning Officer shall with respect to Ballot boxes used at the poll proceed as follows:—

(i) All the Ballot boxes placed for the counting of votes shall be counted and checked and the Returning Officer shall satisfy himself that all such boxes as contain the voting received and accounted for.

(ii) The Returning Officer shall then allow the candidate and counting agents present at the counting an opportunity to inspect the ballot boxes and their seals for satisfying themselves that they are in order.

(iii) The Returning Officer shall also satisfy himself that none of the boxes has in fact been tampered with.

(iv) If the Returning Officer is satisfied that all such ballot boxes as containing the voting papers which are to be counted at such place have been received and are in order, he shall take up the counting of votings papers contained in the ballot boxes.

(v) After each ballot box is opened for counting, clearly valid voting papers shall be separated from invalid and doubtful voting papers. The invalid and doubtful voting papers shall be submitted to the Returning Officer for his decision. The valid voting papers shall thereafter be taken for counting and the votes recorded in favour of each candidate shall be counted with the aid of persons appointed to assist in the counting of votes.

(vi) The Returning Officer shall allow the candidates and counting agents, who may be present, reasonable opportunity to inspect all ballot papers which in the opinion of the Returning Officer are liable to be rejected but shall not allow them to

handle these or any other ballot papers. The Returning Officer shall on every ballot paper which is rejected endorse the word "rejected". If any candidate or his counting agent questions the correctness of the rejection of any ballot paper, the Returning Officer shall also record briefly on such ballot paper the grounds for its rejection.

(vii) After counting of all ballot papers contained in all the ballot boxes used at the polling station has been completed, all the valid Ballot papers shall be bundled together and kept alongwith the bundle of rejected ballot papers in a separate packet which the Returning Officer shall cause to be sealed up and on which shall be recorded the following particulars namely:-

- a) the name of the Village Panchayat.
- b) the number of name of the ward.
- c) the particulars of the polling station where the ballot papers have been used, and
- d) the date of counting.

(3) The Returning Officer shall as far as practicable, proceed continuously with the counting of the votes and shall during the intervals when the counting has to be suspended keep the ballot papers, packet and other documents relating to the election sealed with his own seal and the seal of such and shall cause adequate precautions to be taken for their safe custody.

(4) After the counting of ballot papers contained in all ballot boxes at all the polling stations has been completed the Returning Officer shall prepare a consolidated statement recording therein the total number of votes polled by each candidate, in Form No. 21.

53. *Grounds for rejecting Ballot Papers:*— (1) A Ballot paper shall be liable to rejection:—

- (i) if it bears any mark by which the elector can be identified.
- (ii) if the number of votes recorded thereon exceeds the number of members to be elected.
- (iii) if no vote is recorded thereon.
- (iv) if the ballot paper or the vote recorded thereon is void for uncertainty.
- (v) if it is so damaged or mutilated that its identity as a genuine Ballot paper cannot be established.

(2) No Ballot paper shall be rejected otherwise than on any of the grounds enumerated in sub-rule (1).

(3) The Returning Officer shall record on every ballot paper which he rejects a brief statement of the reasons for such rejection.

(4) The decision of the Returning Officer as to the validity or otherwise of the ballot paper shall be final.

54. *Result of Election:*— (1) On completion of the statement showing the number of votes recorded, the Returning Officer shall

from amongst the candidates qualified to be chosen to fill a reserved seat, if any, declare subject to the provisions of rule 8 the candidate who has secured the largest number of votes to be elected to fill such reserved seat.

(2) The Returning Officer shall then declare from among all other candidates, contesting an election in a ward other than the reserved ward the candidate or candidates who have secured the largest number of votes to be elected to fill the seat in a ward.

(3) Where an equality of votes is found to exist between any candidates either for the reserved or the unreserved seats and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such an additional vote be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates or their agents who may desire to be present, and in such manner as the Returning Officer may determine.

55. *Recount of Votes:*— (1) After such declaration has been made, a candidate, or in his absence his agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the ground on which he demands such recount.

(2) On such an application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part, or may reject it in toto if it appears to him to be frivolous or unreasonable.

(3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and contain the reasons therefore.

(4) If the Returning Officer decides under sub-rule (2), to allow an application whether in whole or in part, he shall

- (a) count the Ballot paper again in accordance with his decision;
- (b) amend the statement showing the number of votes recorded to in sub-rule (4) of rule 52 to the extent necessary after such recount and;
- (c) announce the amendments so made by him and the result of the election.

56. *Pasting of Results of Election by Returning Officer:*— (1) The Returning Officer shall cause the names of the elected candidates to be pasted at the Village Panchayat Office and the Mamlatdar's Office and shall report such name immediately to the State Election Commission, who shall, in turn forward the list of elected members to the Director for publication in the Official Gazette:

Provided that the Commissioner shall, before forwarding of the names of the elected members, be competent to correct mistake, if any, in the names of elected members.

57. *Record of Proceeding:*— The Returning Officer shall keep a record of the proceeding of every election.

58. *Fresh poll in case destruction etc. of ballot boxes:*—

- (1) If at any election:—
 - (a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer, or is accidentally or intentionally destroyed or lost or damaged or tampered with so much an extent, that the result of the poll at that polling station cannot be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll, is committed at a polling station, the Returning Officer shall forthwith report the matter to the State Election Commission.

(2) Thereupon, the State Election Commissioner shall after taking all material circumstances into account either—

(a) declare the poll at the polling station to be void, report to Government to appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for further conduct and completion of the election.

(c) the provisions of the Act and rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

59. *Multiple Election:*— (1) If a person is elected to more than one seat in a Village Panchayat, the time within which he may resign all but one of the seats under section 9 shall be seven days from the date of the pasting of the result of the election by the Returning Officer under rule 56 (Such a resignation shall be given to the Mamlatdar of the Taluka who shall be competent to accept it).

(2) In case such person fails to resign within the period specified in sub-rule (1), his election to all such seats shall be void.

(3) Any vacancy occurring as a result of the acceptance of the resignation under sub-rule (1) or the election becoming void under sub-rule (2) shall be deemed to be a casual vacancy and shall be filled by election in accordance with the provisions of section 15.

60. *Custody of papers relating to Election:*— The Returning Officer shall keep in custody of the State Election Commission the statements, packet and other documents referred to in rule 45 and 52 and all other papers relating to the election.

61. *Production and Inspection of Election Papers:*— (1) While in the custody of the Mamlatdar:— State Election Commission.

(a) the packets of unused ballot papers.

(b) the packets of used Ballot papers whether valid, tendered or rejected.

(c) the packets of marked copies of the list of voters, shall not be opened and their contents shall not be inspected by, or produced before any person or authority except under order of a competent court.

(2) All other papers relating to the election shall open to public inspection.

62. *Destruction of Ballot and other papers:*— (1) On the expiry of two months from the date of the publication of the result

of the election of where an application challenging the validity of an election has been made on the expiry of two months from the date of the decision on such application, whichever is later, the State Election Commission shall, destroy the Ballot papers.

(2) All other papers relating to the election shall be retained until the termination of the next election of the village Panchayat and shall, thereafter, be destroyed, subject to any direction to the contrary given by the State Election Commission or a competent court.

63. *Bye - Election:*— (1) In case of any events resulting into casual vacancy namely:—

(1) Whenever a member is removed from membership.

(2) Whenever a member resign or his elections become void under sub-rule (2) of rule 60, or

(3) The provisions of rules 10 to 62 shall mutatis and mutandis apply, so far as may be, to every such bye-election. Whenever a member is disqualified for being a member under section 11, or

(4) Whenever a member dies, a bye-election shall be held under the provisions of section 15.

64. *General duty of the Returning Officer:*— It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Act and these rules.

Notice of Election and Public Notice

FORM No. 1

[See rule 10 (1)]

Notice is hereby given that:—

An election of members is to be held at the Village Panchayat in Taluka on Nomination paper may be delivered by a candidate to a Returning Officer in his Office between such hours as to be fixed by the State Election Commission between 11 a. m. on

The Mamlatdar of Taluka is its Returning Officer for this election.

By order and in the name of the
Governor of Goa.

Secretary Panchayat Deptt.

FORM No. 2

[See rule 10 (3)]

Office of the State Election Commission

The Programme of Election is as under:

- 1) Date and time for receiving the nomination paper.
- 2) Date and time for scrutiny of nomination paper.
- 3) Date and time of withdrawal of nomination paper.
- 4) Date and time of Poll.
- 5) Date and time of countings.

- 1) A Voter in a ward is entitled to cast only one vote.
- 2) Form of nomination paper will be available in the office of the Returning Officer during Office hours.
- 3) In case of a general seat a sum of Rs. 100/- and in the case of a seat reserved for a woman or a person belonging to Scheduled Caste/Scheduled Tribe, a sum of Rupees fifty is required to be deposited in case with the Returning Officer on or before the date fixed for receiving the nomination paper.

State Election Commission

Copy for publication at the Office of:

1. Mamlatdar Taluka. 2. The Block Development Officer ... Taluka. 3. The Village panchayat at

FORM No. 3

(See Rule 11)

Election to Panchayat

(To be filled in by the candidate)

I hereby give notice that I proposed myself as a candidate for election as member to the above Panchayat from ward No.

1. Full name of candidate
2. Sex
3. Age
4. Address

5. No. of the ward and serial No. of his name in the voters list.
6. I further declare that:—

(a) I am qualified to be a member under the provisions of the Goa Panchayat Raj Act, 1994.

(b) I am not subject to any disqualifications specified in section 11 of the said Act and

(c) I am willing to serve as a member if elected.

Date:

Place:

Signature of candidate

Note:- Strike out which is not applicable.

(To be filled in by Returning Officer)

S. No. of the ward from which the candidate proposes to seek election

S. No. of the nomination paper for such ward/seat.

This nomination paper was presented to me at ... (hours) on ... (date) by Shri/Shrimati (candidate).

(Decision accepting or rejecting the nomination paper)

I have examined the nomination paper in accordance with provisions of these rules and decide as follows:

Date:

Returning Officer

Place:

..... Panchayat Election

Receipt for Nomination Paper

S. No. of the ward/(Name of seat) from which the candidate proposes to seek/election

S. No. of the nomination paper for such ward/seat

The nomination paper of ... a candidate for election as member was delivered to me at ... (hours) on ... (date) by Shri/Shrimati ...

The nomination paper will be taken up for scrutiny at ... (hours) on ...

FORM No. 4

(See Rule 16)

List of Validity nominated candidates whose nomination papers have been accepted and have not been withdrawn.

Election to the ... Panchayat ... Taluka.

Ward No. ...

| S. No. of the ward | S. No. and name of the Candidate | Address |
|--------------------|----------------------------------|---------|
| 1 | 2 | 3 |

Date:

Place:

Returning Officer

..... Panchayat Election

FORM No. 5

(See Rule 20)

List of contesting candidates

Election to the ... Village Panchayat ... Taluka.

Ward No. ...

| S. No. | Name of the Contesting Candidate | Address | Symbol allotted |
|--------|----------------------------------|---------|-----------------|
|--------|----------------------------------|---------|-----------------|

Date:

Returning Officer,

Place:

..... Panchayat Election.

FORM No. 6

(See Rule 21)

Voting Paper

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

Name of candidate

Symbol

[Shaded box for candidate name and symbol]

(Block of ballot paper). Serial No. ...

FORM No. 7

(See rule 38)

List of challenged votes

Election to the ... Village Panchayat.

Polling Station ...

| Name of Voter | S. No. of voter in the list of voters | Signature or thumb impression of voter and his address | Name of Identifier, if any | Name of person challenging | Amount of deposit made | Order of Presiding Officer in each case | Signature of the challenger acknowledging the receipt of deposit where deposit is returned |
|---------------|---------------------------------------|--|----------------------------|----------------------------|------------------------|---|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

Place: ...

Date: ...

Signature of Presiding Officer

FORM No. 8

(See Rule 39)

List of tendered votes

Election to the Panchayat.

Ward No.

| S. No. of ward | S. No. and Name of elector | Address of elector | S. No. of tendered ballot paper | S. No. of ballot paper issued to the person who has already voted | Signature or thumb impression of person tendering vote |
|----------------|----------------------------|--------------------|---------------------------------|---|--|
| 1. | 2. | 3. | 4. | 5. | 6. |

Place: ...

Date: ...

Signature of Presiding Officer

FORM No. 9

[See Rule 45 (4)]

Ballot Paper Account

Election to the Village Panchayat.

Ward No.

Polling Station

| Serial Nos. | From to | Total No. |
|--|---------|-----------|
| (1) | | (2) |
| 1. Number of ballot papers received by the Presiding Officer at the polling station. | | |
| 2. Number of ballot papers issued by voters. | | |
| 3. No. of unused ballot papers returned. | | |
| 4. No. of ballot papers cancelled. | | |
| 5. No. of ballot papers used as Tendered ballot papers. | | |
| 6. No. of ballot papers in ballot box. | | |

Signature of Presiding Officer

FORM No. 9
(See Rule 4)

This is to notify for information of the public that it is proposed to hold General Election for the Village Panchayat in ... Taluka. The division of Village Panchayat into wards, extent and limits of each ward and the number of seats to be elected from each ward as sanctioned under the provision of the Goa Panchayat Raj Act, 1993 (Goa Act No. 14 of 1994) is as shown below:-

| Name of Village Panchayat | Ward No. | Extent and limits of the ward | No. of members to be elected |
|---------------------------|----------|-------------------------------|------------------------------|
| | | Village wado House No. | |
| 1. | 2. | 3. | 4. |

Date:

Place: Director of Panchayat Goa

Copy for publication at —

- Office of the Collector.
- Office of the Mamlatdar Taluka.
- Office of the Block Development Officer Taluka.
- Office of the Village Panchayat.
- To the Manager, Government Printing Press, Panaji for publication in the special supplement of the Gazette.

FORM No. 10
(See Rule 7)

This is to notify for information of the public that it is proposed to hold the general Election of Village Panchayat in Taluka. A voters list has been prepared ward-wise for the purpose and it is kept published in the Office of the Village Panchayat. So

the voters list will be available for perusal in the said office during office hours to those who intend to see it.

Place: ...

Date: ...

Returning Officer.

FORM No. 12

Notice of withdrawal

[See Rule 17 (1)]

Election to the ... Panchayat ... Taluka.

Ward No.:

The Returning Officer,

I a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

(Signature of candidate)

Place: ...

Date: ...

This notice was delivered to me at my Office at (hours) on (date) by (name), the

Returning Officer

Date:

..... Village Panchayat

Receipt for Notice withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a candidate at the election to the was delivered to me by the at my office at (hours) on (date).

Returning Officer

..... Panchayat Election

FORM No. 13

[See Rule 17 (3)]

Notice of withdrawal of candidatures

Election to the Panchayat Taluka,

Ward No.

Notice is hereby given that the following candidate(s) at the above election withdrew his candidature/their candidature today.

| Sr. No. | Name of candidate | Address of candidate | Remarks |
|---------|-------------------|----------------------|---------|
| 1 | 2 | 3 | 4 |

Place:

Date: Returning Officer Panchayat

FORM No. 14

[See Rule 27 (1) (a)]

Appointment of Polling Agent

Election to the Panchayat

I, a candidate at the above election do hereby appoint Shri of as a polling agent to attend polling station No. at Place fixed for poll on

Place: Signature of candidate

Date:

FORM No. 15

[See Rule 48 (2)]

Appointment of Counting Agent

Election to the Village Panchayat.

Ward No.

To,
The Returning Officer,

I, a candidate at the above election, do hereby appoint Shri as my counting agent to attend the counting of votes at

Place: Signature of candidate

Date:

FORM No. 16

[See Rule 44(1)]

Letter of intimation of Returning Officer

To,
The Returning Officer,
..... Village Panchayat
and Mamlatdar

Sir,

I have been appointed as at the Polling Station to the Village Panchayat elections. I intend to cast my vote by post at the ensuing village panchayat election to the Village Panchayat.

My name is entered at S. No. in ward No. of the Village Panchayat voters list.

The ballot paper may be sent to me at the following address:

.....
.....
.....

Yours faithfully

Place:

Date:

FORM No. 17

[See Rule 44(3)(a)]

Declaration by Voter

Election to the Village Panchayat.

(This side is to be used only when the voter signs the declaration himself).

I hereby declare that I am a voter to whom the postal Ballot paper bearing serial number has been issued at the above election.

Date: Signature of voter

ATTESTATION OF SIGNATURE

The above has been signed in my presence by Shri Voter who is personally known to me/has been identified to my satisfaction by Shri (identifier) who is personally known to me.

Signature of identifier, if any.

Signature of Attesting Officer
Designation
Address
Date

(This side is to be used when the voter cannot sign himself)

I hereby declare that I am a voter to whom the postal ballot paper bearing serial number has been issued at the above election.

Signature of Attesting Officer
Designation
Address of voter

Date:

CERTIFICATE

I hereby certify that:

- (1) the above named voter is personally known to me/has been identified to my satisfaction by Shri (identifier) who is personally known to me.
- (2) I am satisfied that the voter is illiterate/suffers from (infirmity) and is unable to record his vote himself or sign his declaration;
- (3) I was requested by him to mark the Ballot paper and to sign the above declaration on his behalf, and
- (4) The ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier, if any.

Address

Signature of Attesting Officer
Designation
Address
Date:

FORM No. 18

[See Rule 44(3)(b)]

Small cover

NOT TO BE OPENED BEFORE COUNTING

A ELECTION TO THE
..... Village Panchayat

Ward No.

Postal Ballot Paper

Serial No. of ballot paper

FORM No. 19

[See Rule (3)(c)]

Larger cover

Every officer under whose care or through whom a postal Ballot paper is sent shall ensure its delivery to the addressee without delay [Rule 44(4)]. SERVICE UNPAID

Election — Immediate

Postal Ballot Paper

..... Village Panchayat

(Not to be opened before counting)

The Returning Officer,

..... Village Panchayat, ward No. and

Mamlatdar Taluka.

Signature of Sender

FORM No. 20

[See Rule 44(3)(d)]

Instruction for the guidance of voters

(To be used at an election to the Village Panchayat Election to the Village Panchayat).

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

1. The number of members to be elected is one.
2. You have only one vote.
3. You must not vote for more than one candidate, if you do, your ballot paper will be rejected.
4. Record the vote by placing clearly a mark opposite the name of the candidate to whom you wish to give that vote.
5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
6. An voter shall obtain the attestation of his signature on the declaration in Form No. 12 by the Magistrate or such other Gazetted Officer or Presiding Officer of the Polling Station at which he is on election duty.

Part II - Instruction for electors

- (a) After you have recorded your vote on the ballot paper place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form No. 17 also sent herewith in the presence of a Magistrate or any other Officer competent to attest your signature (see direction 6 above). Take the declaration to any such Officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him you have voted.

- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer referred to in item(b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
- (d) After your declaration has been signed and your signature has been attested in accordance with item(b) or item(c), place the declaration in Form No. 17 as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B' but no postage stamp need be affixed by you.
- (e) You must ensure that the cover reaches the Returning Officer before p.m. on
- (f) Please note that—
- (i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and
- (ii) if the cover reaches the returning officer after ... p.m. on the ... your vote will not be counted.

FORM No. 21

[See Rule 51(11)]

Final Result Sheet

Election to the Village Panchayat Ward No. Taluka.

| S. No. | Polling Station | Number of valid votes cast in favour | | | | | Total No. of valid votes | Number of rejected votes | Total | Number of tendered votes |
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Place:

Returning Officer

Date:

..... Village Panchayat

By order and in the name of Governor of Goa.

Secretary (Panchayat).

Notification

The following draft of certain Rules which are proposed to be made under the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), is hereby pre-published as required by Sub-Section (1) of Section 240 of the said Act, 1994, for information of the persons likely to be affected thereby and notice is hereby given that the said draft Rules will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft rules may be forwarded to the Secretary to the Government of Goa, Panchayat Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

Notification

In exercise of the powers conferred by sections 52 and 54 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act of 1994), the Government of Goa is hereby pleased to make the following rules, namely:—

1. *Short title and commencement*— (1) These rules may be called the Goa Panchayats (Meetings), Rules, 1995.

(2) They shall come into force at once.

2. *Definitions*— In these rules, unless the context otherwise requires;

(a) "Clear days" means day exclusive of the day of issue of a notice or intimation, and of the day of meeting;

(b) "Motion" means a proposal to evoke action on the part of the panchayats and includes an amendment of a motion;

(c) "Member" means a member of a panchayat.

3. *Panchayat to meet once a month.*— The Panchayat shall meet at least once in every month on such date and at such time as may be fixed by the Sarpanch or in his absence by the Deputy Sarpanch.

4. *Secretary to intimate the date of meeting.*— The Secretary of the Panchayat shall, at least seven clear days before the date fixed for any ordinary meeting and at least three clear days before the date of Special meeting, send or cause to be sent to all the members intimation of the place, date and time of and the business to be transacted at such meeting in Form 'B'.

5. *Consideration of motion.*— A motion of which a notice has been given under sub-rule (1) of rule 4 shall be considered by the Panchayat at a special meeting called for the purpose of considering the motion, by the Secretary of the Panchayat within 15 days from its receipt by him.

6. *President of the meeting.*— (1) At any meeting of the Panchayat while a motion of No Confidence against the Sarpanch is under consideration, the Deputy Sarpanch and while a motion of No Confidence against the Deputy Sarpanch is under consideration, the Sarpanch and while the motion of no confidence against the Sarpanch as well as Deputy Sarpanch is under consideration such a member of the Panchayat as may be elected by the members present shall preside the meeting.

(2) A member elected to preside shall not be entitled to move the motion of No Confidence.

7. *Questions shall be decided by the majority of the Votes.*— (1) Same as otherwise provided in the Act, all questions coming before a meeting shall be decided by a majority of the votes of the members present and voting.

8. (2) In the case of an equality of votes, the person presiding shall have and exercise a second or casting vote.

8. *Business to be transacted.*— Except with the permission of the person presiding;

(a) no business, which is not entered in the agenda, shall be transacted at any meeting;

(b) the order of business to be transacted at every meeting shall be taken in the order in which it is entered in the order of business for the day;

Provided that in granting a permission for priority for transacting any business, the person presiding shall be guided by the majority of votes for and against such motion.

9. *Adjournment of the meeting.*— Any meeting may, with the consent of the majority of the members present, be adjourned from time to time. But no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place. The date, time and place of the adjourned meeting shall be announced at the meeting and no separate notice shall be necessary.

10. *Meeting to be open to the public.*— (1) Every meeting shall be open to the public unless the person presiding decides that any enquiry before or deliberations of the panchayat should be held in camera.

(2) The person presiding may cause any member of the public who interrupts the proceedings of the meeting of the Panchayat to be removed from the place of the meeting.

11. *Manner of deciding a matter before Panchayat.*— A matter requiring the decision of the Panchayat shall be decided by means of a question put by the person presiding on a motion made by a member.

12. *Discretion of the member either to withdraw or move the motion.*— (1) A member who has given notice of a motion shall, when called upon, either

(a) state that he does not wish to move the motion, or

(b) move the motion in which case he shall commence his speech by a formal motion in the terms appearing on the list of business, after the motion is duly seconded.

(2) If a member when called is absent, any other member may, with the permission of the person presiding, move the motion standing in the name of the absent member. If permission is not granted to the other member to move the motion, the motion shall lapse.

13. *Person presiding to propose question on the motion.*— After a motion has been moved and seconded, the person presiding shall propose the question by reading the motion for the consideration of the panchayat.

14. *Motion not to be withdrawn or altered once moved and seconded.*— After a motion has been moved and seconded, it shall not be withdrawn or altered in substance, except with the consent of the member who seconded it.

15. *Amendment to the motion.*— (1) After a motion has been proposed and seconded, any member may propose an amendment thereto.

(2) Every amendment shall be relevant to, and within the scope of, the motion to which it relates.

(3) No amendment shall be moved which has merely the effect of negative vote.

(4) An amendment in the alternative shall not be moved.

(5) Any number of amendments may be moved to the same motion but no member shall move more than one amendment to the same motion.

(6) The person presiding may disallow any amendment which is, in his opinion, irrelevant or frivolous.

16. *Member to address the presiding person by rising in his seat.*— (1) A member desiring to propose and discuss any motion shall rise in his seat when speaking and address his speech to the person presiding:

Provided that the person presiding may, at the commencement of the meeting, declare that the business of the meeting shall be transacted sitting or he may permit any member to address the meeting sitting.

(2) A member shall confine his speech strictly to the question before the meeting and shall cease to make remarks which are held by the person presiding to be irrelevant or offensive.

(3) Members shall not talk among themselves during a meeting so as to disturb the proceedings or a member who is speaking.

17. *Privilege of the person presiding.*— The person presiding may address the meeting at any stage of a debate.

18. *Mover may support his motion and seconder may either follow or reserve his speech.*— After a motion has been placed before the meeting for consideration under rule 13, the mover may speak in support of the motion and the seconder may either follow or reserve his speech for a later stage of the debate thereon.

19. *Right of mover and seconder to reply to the debate.*— The mover, or if the mover waives his right, the seconder, of a

substantive motion may reply at the conclusion of the debate thereon, but no other member shall, without the express permission of the person presiding, speak more than once on the same motion, except for the purpose of making a personal explanation but in such cases, no debatable matter shall be brought forward.

20. *Time limit for speech.*— The person presiding may fix a reasonable time limit within which the mover, the seconder and any member shall end his speech.

21. *When and how to put the motion to vote.*— (1) On the conclusion of a debate on a motion or where the person presiding is satisfied that the motion has been sufficiently discussed, he may put the motion to the vote of the meeting without further discussion.

(2) The votes shall be taken in the following manner, namely:

(a) When only one amendment is made upon a motion, votes shall be taken between the motion and the amendment.

(b) When there is more than one amendment, the one last proposed shall be put against that immediately preceeding and then the one which is carried shall be put against the next preceeding and so on until only one amendment is left. The vote shall then be taken between the sole remaining amendment and the original motion:

Provided that the person presiding may give precedence to any amendment which he deems fit.

(c) The motion of amendment carried under clause (a) or (b) shall be again put to vote as a substantive proposal and the result shall be considered to be decision of the panchayat.

22. *Which matters to take precedence.*— (1) A motion to adjourn a meeting or to postpone the consideration of a question shall take precedence over any other motion before the meeting.

(2) A motion under this rule shall not be made more than once during the debate on any question.

23. *Manner of voting.*— (1) Votes shall ordinarily be taken by a show of hands, but may, if the majority of members so decide, be taken by secret ballot.

(2) Any member present at a meeting may refrain from voting if he so chooses.

24. *Manner when voting is by ballot.*— When votes are taken by ballot, each member shall record his vote on a voting paper which shall not be signed by him. The papers used for voting shall not be destroyed until after one month from the date of declaration of the result.

25. *Person presiding to decide points of order.*— (1) The person presiding shall decide all points of order and his decision thereon shall be final.

(2) Any member may, at any time raise a point of order for the decision of the person presiding but in doing so, he shall confine himself to stating the point.

(3) No discussion on any point of order shall be allowed except with the consent of the person presiding.

26. *Member called to order to resume his seat till decision.*— A member called to order by the person presiding shall resume his seat till the point of order raised is decided.

27. *Rights and Duties of the person presiding the meeting.*— The person presiding shall preserve order and have all powers necessary for the purpose of enforcing his decision.

28. *Suspension of member guilty of obstructive conduct.*— When any member disregards the authority of the person presiding or is guilty of obstructive or offensive conduct at any meeting, the person presiding shall forthwith put question that such member be suspended from the meeting of the panchayat for the remainder of the sitting and if three-fourths of the members present are in favour thereof, the member named shall withdraw, failing which the person presiding may call such aid as he deems expedient to secure such suspension or withdrawal.

Explanation:— For the purpose of this rule, “obstructive conduct” means conduct wilfully and persistently adopted with the object of preventing business being done at the meeting.

29. *Member not to leave the meeting without intimating the person presiding.*— A member who wishes to leave a meeting before its close, shall immediately before leaving, intimate his intention to the person presiding.

30. *Proposal may be sent to the Sarpanch.*— Any proposal which a member desires to place before the meeting of the panchayat may be sent to the Sarpanch. It shall be included in the business of the next meeting if it is received at least five clear days before the date of the meeting unless the Sarpanch or in his absence the Deputy Sarpanch for reasons to be recorded in writing considers the proposal as not worth placing before the next meeting of the panchayat in which case it shall appear in the notice convening the subsequent meeting.

31. *Members not to propose irrelevant motion.*— No member shall be entitled to propose a motion other than the one directly arising out of the subject before the meeting and relevant thereto, except in case of emergency and with the consent of the person presiding.

32. *Power of person presiding to divide the motion.*— The person presiding shall have power to divide a motion into two or more distinct motions or an amendment into two or more amendments, as he may deem necessary.

33. *No motion to be discussed and noted until duly proposed and seconded.*— No motion shall be discussed or noted in the minute book unless and until it has been properly proposed and seconded, provided that a motion by the person presiding need not be seconded.

34. *Language and manner of keeping the proceedings.*— The proceedings of each meeting of the Panchayat shall be recorded in a bound book and in any one of the following languages:—

- i) Hindi
- ii) English
- iii) Konkani
- iv) Marathi

In this book shall be entered the names of the members present at each meeting, the decisions arrived at, the names of the members

voting for or against and of the members remaining neutral. The proceedings shall be signed by the person presiding at the meeting and shall be read out at the next meeting of the panchayat for confirmation. A copy of the proceedings shall be submitted to the B.D.O./Director of Panchayats and Chief Executive Officer within ten days of the meeting. The proceedings shall be open for inspection, at all reasonable times, by any member of the panchayat.

FORM "A"

(See Rule — 4)

The ordinary/special meeting of this panchayat is fixed at (premises) at (time) hours.

The agenda of the meeting is as follows:—

Sd/-
V. P. Secretary

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 28th September, 1995.

To,
